

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

August 11, 2006

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001



217270

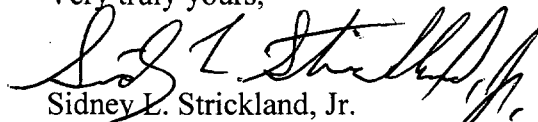
**Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO**

Dear Secretary Williams:

Enclosed please find an original and 10 copies of the Verified Notice of Exemption under 49 C.F.R. 1152.50 for filing with the Board in the above-referenced matter.

Also enclosed is a check in the amount of \$3,100.00 for the filing fee.

Very truly yours,


Sidney L. Strickland, Jr.
Attorney for BNSF Railway Company

ENTERED
Office of Proceedings

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Public Record

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AUG 11 2006

**SURFACE
TRANSPORTATION BOARD**

FILED
AUG 11 2006
SURFACE
TRANSPORTATION BOARD

217270



BEFORE THE
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BOULDER COUNTY, CO

DOCKET NO. AB-6
(SUB. NO. 442X)

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

By: SIDNEY L. STRICKLAND, JR
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BOULDER COUNTY, CO**

**DOCKET NO. AB-6
(SUB. NO. 442X)**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

BNSF RAILWAY COMPANY (BNSF) ("Applicant") files this Verified Notice of Exemption under 49 C.F.R. 1152 Subpart F- Exempt Abandonments 49 C.F.R. 1152.50) for BNSF to abandon a rail line that extends between Milepost 36.72 and Milepost 35.59, near Longmont, in Boulder County, Colorado, a distance of approximately 1.13 miles (the "Line").

The Line is depicted in a map that is attached to this Notice as Appendix 1.

Responses to 49 C.F.R. § 1152.50(d)(2):

I. *Proposed consummation date for the abandonment.*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of August 11, 2006, which is September 30, 2006.

II. *Certification required in 49 C.F.R. § 1152.50(b)*

The required certification is attached hereto as Appendix 2.

III. *Information required by 49 C.F.R. § 1152.22(a)(1-4), (7) and (8) and (e)(4).*

(a) General

- (1) Exact name of Applicant.
- BNSF Railway Company (BNSF).
- (2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*
- Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.
- (3) *Relief sought (abandonment of line or discontinuance of service).*
- BNSF seeks to use the class exemption from Surface Transportation Board approval authorizing the abandonment of the Boulder County Line specified above.
- (4) *Detailed map of the subject line.*
- See Appendix 1.
- (7) *Name, title and address of representative of applicant to whom correspondence should be sent:*
- Sidney L. Strickland, Jr.
Sidney Strickland And
Associates, PLLC
3050 K Street, N.W.
Suite 101
Washington, DC 20007
(202) 338-1325
- Attorney for BNSF
- (8) *List of all United States Postal Service ZIP Codes that the line traverses.*
- The Line traverses United States Postal Service Zip Code 80501.
- (e)(4) *Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways,*

other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The properties of the proposed abandonment appear to be appropriate for other public purposes. Based on information in our possession, there are no federally granted rights-of-way within the corridor. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. *Level of Labor Protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in *Oregon Short Line RR Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

V. *Certification that Applicants have complied with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11.*

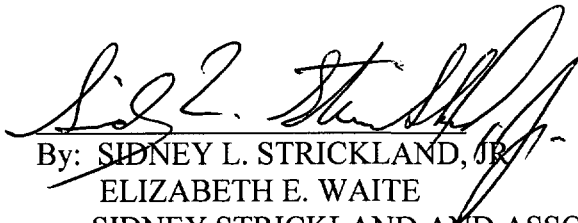
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

VI. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

Respectfully submitted,

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Forth Worth, TX 76161-0057



By: SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATE FILED: August 11, 2006

APPENDIX 1

Detailed Map of the Line

LONGMONT, COLORADO TRACKAGE

CALKINS
(UNION R.R.)
49:

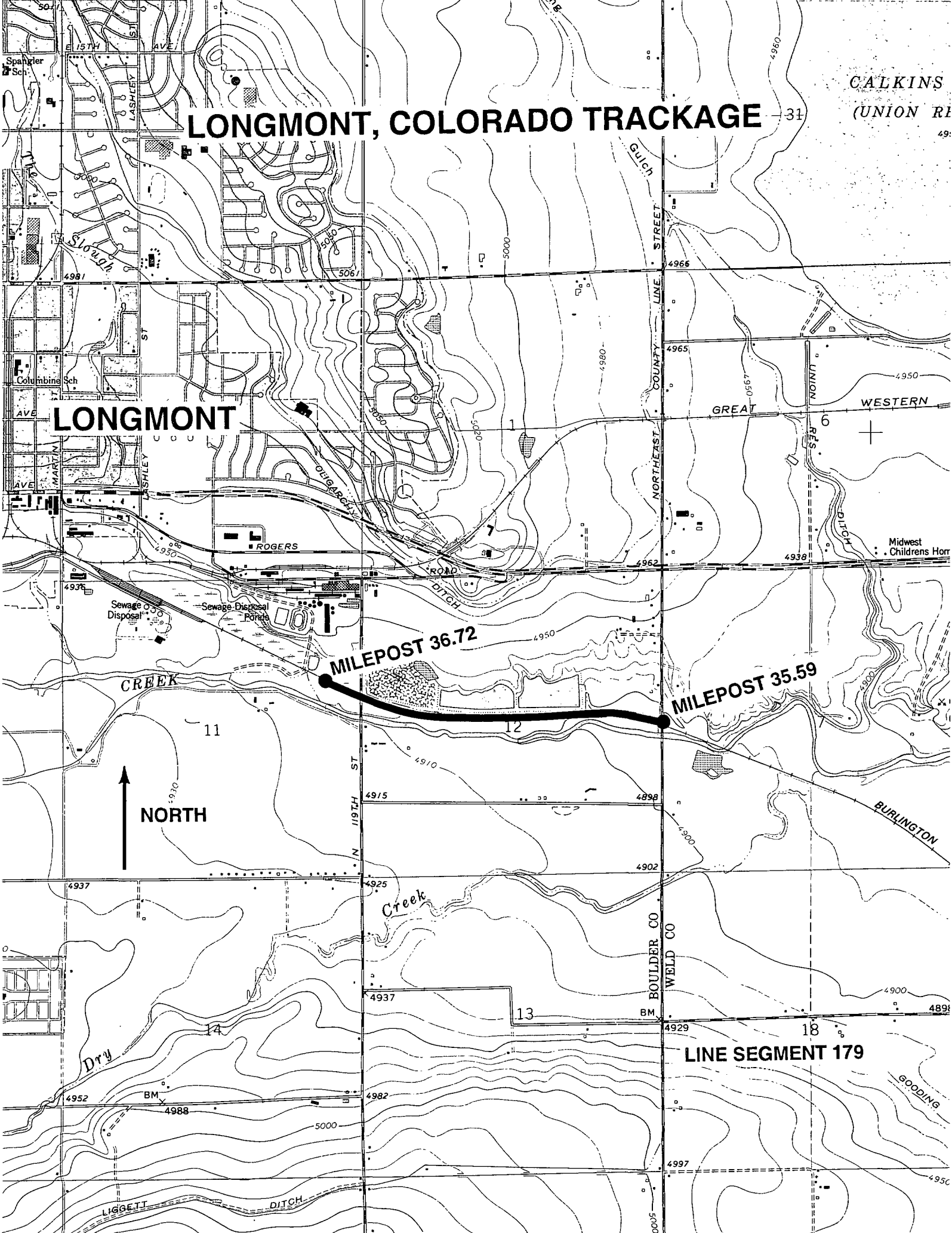
LONGMONT

MILEPOST 36.72

MILEPOST 35.59

NORTH

LINE SEGMENT 179



APPENDIX 2

Certifications Required in 49 C.F.R. § 1152.50(b)

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Richard A. Batie, being duly sworn depose and state that as Manager, Network Development in the Network Development department of the BNSF Railway Company ("BNSF"), I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 442X), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, there is no overhead traffic handled on the Line to be rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Richard A. Batie

Richard A. Batie
Manager, Network Development

Subscribed and sworn to
before me the 9 day of August, 2006.



Tina M. Mailhos

APPENDIX 3

***Certifications that Applicant Has Complied with the Notice Requirements
of 49 C.F.R. 1152.50(d)(1) and 1105.11***

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-6 (Sub. No. 442X) was mailed via first class mail on July 31, 2006 to the following parties:

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

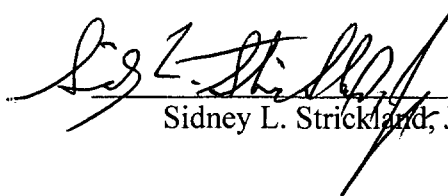
Military Traffic Management Control
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

U.S. Department of the Interior
National Park Service
Recreational Resources Assistance Division
1849 C Street, NW
Washington D.C. 20240-0001

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, D.C. 20250

Jennifer Finch
Colorado Department of Transportation
4201 E. Arkansas Avenue, Rm 262
Denver, CO 80222

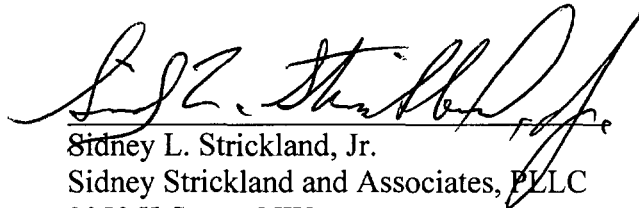
Dated August 11, 2006



Sidney L. Strickland, Jr.

CERTIFICATION OF COMPLIANCE WITH THE
NEWSPAPER PUBLICATION REQUIREMENTS
OF SECTION 49 C.F.R. § 1105.12

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Boulder County, CO. Publication of notice was accomplished on August 4, 2006 in the *The Daily Camera*. An affidavit of publication is attached.

A handwritten signature in black ink, appearing to read "Sidney L. Strickland, Jr.", is written over a horizontal line.

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 2007
Phone: (202) 338-1325
Fax: (202) 672-5499

Proof of Publication/Invoice

(General – One Publication)

STATE OF COLORADO
COUNTY OF BOULDER

Suzanne Byers, of lawful age, being first duly sworn upon oath deposes and says:

1. That she is the Financial Services Representative of Boulder Publishing, Inc., and has personal knowledge of all the facts set forth in this affidavit and is a competent person to certify that the facts stated herein are accurate and she hereby certifies:

That The Daily Camera is a public daily newspaper of general circulation as defined by law and is printed and published wholly in the City of Boulder, County of Boulder and State of Colorado: That it has been admitted to the United States mails as second class matter under the provisions of the Act of Congress of March 3, 1879, and amendments thereto: And that it is a legal newspaper duly qualified to publish legal notices of advertisement which are required to be published in said City of Boulder and said County of Boulder or both.

2. That The Daily Camera is duly qualified to publish the annexed public notice, which is a full, true and correct copy of the original thereof, and the same was published in The Daily Camera on the 4th day of August.

Further affiant sayeth not.


SUZANNE BYERS

Subscribed and sworn before this 4th day of August, A.D. 2006. Witness my hand and official seal.


Notary Public

Publication Fee/Amount Due \$ 60.48

Account Number: _____

Ad Number 5277023

The Boulder Publishing Company, LLC
dba The Daily Camera
P.O. Box 4579
Boulder, CO 80306-4579

Public Notice	2500	Public Notice	2500	Public Notice	2500
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STB Docket No. AB-6 (Sub. No. 442X)

NOTICE OF INTENT TO ABANDON RAIL SERVICE

BNSF RAILWAY COMPANY (BNSF) gives notice that on or about August 10, 2006, it intends to file with the Surface Transportation Board (the Board), Washington, DC, 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of the 1.13 miles of railroad line between Milepost 36.72 and Milepost 35.59, near Longmont, in Boulder County, Colorado. The rail line traverses through United States Postal Service Zip Code 80501. The proceeding will be docketed as STB Docket No. AB-6 (Sub. No. 442X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Sidney Strickland, Sidney Strickland and Associates, PLLC, 3050 K Street, Suite 101, Washington, DC, 20007-5108, 202-338-1325.

Published in the Boulder Daily Camera on August 4, 2006 - 5277023

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on July 21, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

Susan C. Linner
Colorado Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services
P.O. Box 25486, DFC (65412)
Denver, Colorado 8022-0486

Tim Carney, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
95995 Nelson Road- Suite D
Boulder County Fairgrounds
Longmont, CO 80501

Erik Brekke
U.S. Bureau of Land Management
Royal Gorge Field Office
3170 East Main Street
Cañon City, CO 81212

Susan M. Collins
Deputy State Historic Preservation
Officer for Archaeology
Colorado Historical Society
1300 Broadway
Denver, CO 80203

Gordon Pedrow,
City Manager
City of Longmont
350 Kimbark Street
Longmont, CO 80501

Nathan Moore,
Environmental Protection Specialist
Colorado Department of Public
Health and Environment
Water Quality Control Commission
OED-OPPI-A5
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Cheryl Eckhardt
Intermountain Region
U.S. National Park Service
12795 Alameda Pkwy
Denver, CO 80225

Leandra Windler
Governor's Advocate
Colorado Division of Water Resources
Colorado Department of Natural Resources
1313 Sherman St., Rm. 818
Denver, CO 80203

Gregory Davis
Region 8 Stormwater Coordinator
U.S. Environmental Protection Agency
Mailcode: 8P-W-P
999 18th Street, Suite 300
Denver, CO 80202-2466

J. Scott Franklin
Chief, Denver Regulatory Office
U.S. Army Corps of Engineers
Omaha District
9307 South Wadsworth Boulevard
Littleton, Colorado 80128-6901

Boulder County Commissioners
PO Box 471
Boulder, Colorado 80306

Nick Wolfrum, P.E.
City Engineer
City of Longmont
Public Works Division
408 3rd Street
Longmont, CO 80501

Jennifer Finch
Colorado Department of Transportation
4201 E. Arkansas Avenue, Rm 262
Denver, CO 80222

David Hollingsworth, P.E.
Storm Drainage Engineer
City of Longmont
Public Works Division
408 3rd Street
Longmont, CO 80501

Denise Grimm
Planner II
Boulder County Land Use Department
PO Box 471
Boulder, Colorado 80306

National Oceanic and Atmospheric
Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

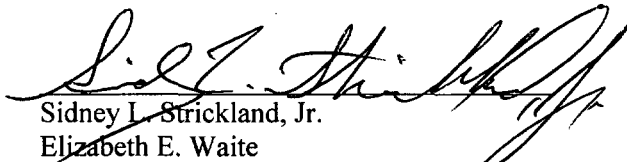
Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

United States Department of Agriculture
Natural Resources Conservation Service
655 Parfet Street
Room E-200C
Lakewood, CO 80215-8000

Ralph O. Morganweck, Regional Dir.
Mountain-Prairie Region
U.S. Fish and Wildlife Service
134 Union Blvd.
Lakewood, Colorado 80228

U.S. Army Corp of Engineers
Civil Works Office
U.S. Army Engineer District, Omaha
215 N. 17th Street
Omaha, NE 68102-4978

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Sidney L. Strickland, Jr.
Elizabeth E. Waite
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

APPENDIX 4

Environmental and Historic Reports

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BOULDER COUNTY, CO**

**DOCKET NO. AB-6
(SUB. NO. 442X)**

ENVIRONMENTAL AND HISTORIC REPORTS

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

By: SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATED: July 21, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN BOULDER COUNTY, CO**

**DOCKET NO. AB-6
(SUB. NO. 442X)**

**ENVIRONMENTAL AND HISTORIC REPORTS
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF Railway Company (“BNSF”) (referred to as “Applicant”) hereby files Environmental and Historic Reports. These Reports constitute Applicant’s assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board (“STB”), Section of Environmental Analysis (“SEA”), 1925 K Street, N.W., Suite 500, Washington, DC 20423. There is information in the Applicant’s files to indicate that the rail line covered by these Reports does not contain federally granted rights-of-way. *See* 49 C.F.R. § 1152.60(d). These Reports have been prepared in conjunction with the prospective filing of a Notice of Exemption of abandonment of the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after these Reports are submitted.

I
ENVIRONMENTAL REPORT
(49 C.F.R. 1105.7)

The following information is submitted to the STB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption seeking authority to abandon 1.13 miles of railroad line between Milepost 36.72 and Milepost 35.59, in or near Longmont in Boulder County, Colorado (the "Line").

(1) Proposed Action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon this Line. The proposed abandonment may include removal of all rails and ties. There are no bridges on the Line and BNSF is aware of no other structures on the Line. A map of the Line is attached as Exhibit A.

(2) Transportation System: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe

any inconsistencies.

The proposed abandonment should not be inconsistent with local or regional land use plans. The City of Longmont indicates it supports making the proposed abandoned BNSF line into a recreational trail and a utility corridor. The City states:

Longmont has interest in this section of right-of-way for both a recreational trail and a utility corridor. The City has existing agreements with BNSF Railway for both of these uses and continues to have an interest and need for both.

The City of Longmont would like to work with BNSF Railway on this issue to maintain the existing public use of a recreational trail and utility corridor and is interested in discussing the option of obtaining ownership of the property.

See Exhibit B, correspondence from Nick Wolfrum, P.E., City Engineer, Department of Community Development, City of Longmont, Colorado.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service ("NRCS") (formerly known as the U.S. Soil Conservation Service) indicates there are two potential prime farmland soil units affected by the proposed abandonment. However, the NRCS notes further that since the area is not currently farmed or irrigated, "no prime farmlands are affected by the proposal." See Exhibit C, letter from Tim Carney, District Conservationist, Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The proposed abandonment may be suitable for alternative public use. As noted above, the City of Longmont indicates it supports converting the line into a recreational trail and utility corridor. See Exhibit B, correspondence from Nick Wolfrum, P.E., City Engineer, Department of Community Development, City of Longmont, Colorado.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy resources.

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of

the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(5) Air:

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

(B) An increase in rail yard activity of at least 100% (measured by carload activity), or

(C) An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail

construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three trains a day threshold in this item shall apply.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise: If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There is one (1) public crossing and no private crossings on the Line.

During salvage operations, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste site or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological Resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service indicates, “[w]e do not have site specific information available to us. If questions regarding endangered species, the extent of its habitat, or the effects of a particular action need to be resolved, the Service recommends that a knowledgeable consultant be contacted to conduct habitat assessments, trapping studies, or to provide recommendations regarding options under the ESA. Due to staffing constraints, the Colorado Field Office cannot provide you with these services.” See Exhibit D, electronic correspondence from Susan C. Linner, Colorado Field Supervisor, U.S. Fish and

Wildlife Service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The National Park Service (“NPS”) indicates it has “reviewed this project and determined that no parks will be affected; therefore, we have no comments.” See Exhibit E, correspondence from Cheryl Eckhardt, Intermountain Region, National Park Service.

Also, the Bureau of Land Management (“BLM”) indicates “Our office received an inquiry about T&E, critical habitat etc for a BNSF abandonment in Boulder County east of Longmont. The Bureau of Land Management does not manage any public lands in this area, therefore we do not have any information of the kind that you requested.” See Exhibit F, electronic correspondence from Eric Brekke, Bureau of Land Management.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed exemption should be consistent with applicable Federal, State or local water quality standards. The Colorado Water Quality Control Commission (“CWQCC”) indicates that “[t]his activity may be included under the stormwater regulations.” The CWQCC further indicates that construction activities disturbing one or more acre, or that are part of a common plan of development or sale that exceeds one acre, are required to obtain NPDES permits under Colorado Discharge Permit Systems Regulations 61.3(2)(e)(iii)(J). See Exhibit G, letter from Nathan Moore, Environmental Protection Specialist, Permit Unit, Water Quality Control Division, Colorado Department of Public Health and

Environment.

Finally, the Colorado Department of Natural Resources (“CDNR”) was contacted regarding federal, state, and local water quality standards and states: “The Colorado Department of Natural Resources does not administer the State of Colorado’s water quality programs. Regulation and oversight of water quality is managed through the Colorado Department of Public Health and Environment.” The CDNR further states that the letter received by the agency was forwarded to the Colorado Department of Public Health and Environment for their review and response. See Exhibit H, letter from Leandra Windler, Governor’s Advocate, Colorado Department of Natural Resources.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

The proposed abandonment should not require a Section 404 permit. The U.S. Army Corps of Engineers (“Corps”) states: “It appears that this project will not require the placement of fill material into a wetland. Based on the description of the abandonment work, the Department of the Army permit will not be required for this project. Although a DA permit may not be required for this project, this does not eliminate the requirement that the other applicable federal, state, and local permits be obtained as needed.” See Exhibit I, letter from J. Scott Franklin, Chief, Denver Regulatory Office, Army Corps of Engineers.

The proposed abandonment should not affect any 100-year flood plains. The Corps indicates: “[t]his office does not regulate work in upland areas of 100 floodplains. This office only regulates work in a jurisdictional stream bed or in

jurisdictional wetlands located in a floodplain. For work in floodplains also notify your city or county governments or FEMA in Denver.” See Exhibit I, letter from J. Scott Franklin, Chief, Denver Regulatory Office, Army Corps of Engineers.

Consistent with the Corps’ suggestion, we had already contacted the City of Longmont Department of Community Development, Public Works Division, and they responded to our inquiry as to whether any 100-year floodplains would be affected by the proposed abandonment. The City of Longmont indicates it has: “reviewed the existing floodplain for the St. Vrain Creek as it pertains to the proposed abandonment of the BNSF Railroad described in your April 12, 2006 letter.” The City further states, “[t]he removal of structures and track material between Milepost 36.72 and Milepost 35.59 near Longmont will not affect the 100-year designated floodplain.” See Exhibit J, letter from David Hollingsworth, P.E., Storm Drainage Engineer, City of Longmont, Public Works Division.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

A Section 402 permit should not be required for the proposed action. As indicated above, the CWQCC indicates that construction projects disturbing one or more acre, or that are part of a common plan of development or sale that exceeds one acre, require a NPDES permit. See Exhibit G, letter from Nathan Moore, Environmental Protection Specialist, Permit Unit, Water Quality Control Division, Colorado Department of Public Health and Environment.

Also, the Environmental Protection Agency (“EPA”) indicates

“[r]egarding the Longmont, Boulder rail abandonment, no stormwater permit is required for this action as the original surface will be left in place. A stormwater permit is required for redevelopments where 1 acre of land is disturbed. In the case of this action, a stormwater permit is not required as the land will not be disturbed under the definitions provided in Section 402 of the Clean Water Act.”

See Exhibit K, electronic correspondence from Greg Davis, Region 8 Storm Water Coordinator, United States Environmental Protection Agency.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

The project itself should mitigate the environmental effects of reinstating active rail operations.

II

HISTORIC REPORT (49 C.F.R. 1105.8)

Applicants hereby submit the following information required by 49 C.F.R. § 1105.8(d):

- (1) *A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;*

The required topographic map is attached to this Report as Exhibit A.

- (2) *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;*

The trackage is approximately 1.13 miles in length and is located in or near the city of Longmont, Colorado. The land in the adjacent area is a mix of urban and rural uses. The right of way is 100 feet in width.

In 2000, Longmont had a population of 71,093.

There are no federally granted rights-of-way involved in the proposed abandonment.

- (3) *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;*

There are no railroad structures on the property that are 50 years old or older.

- (4) *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;*

N/A

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;*

The right of way was acquired by the Chicago Burlington & Quincy Railroad (CBQ) in 1889 through 1891. In 1970, the CBQ merged with other railroads to become part of Burlington Northern Railroad (BN). In 1995, BN and The Atchison Topeka & Santa Fe Railroad merged to become The Burlington Northern and Santa Fe Railway (BNSF). In 2005, BNSF changed its name to BNSF Railway.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;*

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);*

The Colorado Historical Society ("SHPO") has reviewed the project and made several findings. In its letter dated April 19, 2006, SHPO stated a search of its files indicated no surveyed historic or prehistoric cultural resources within the area of Potential Effect ("APE"), but also requested additional information

from us regarding the existence of any railroad-features and track inventory for the line in order to determine whether structures or the Line itself may be eligible for National Register listing. See Exhibit L, letter from Georgianna Contiguglia, State Historic Preservation Officer, and President, Colorado Historical Society.

We provided SHPO this information. In response, SHPO provided several recommendations. It recommended that we complete a file search request in regards to the presence of historic and/or prehistoric resources along the rail line, and that we contact the City of Longmont's Historic Preservation Commission and Boulder County. See Exhibit M, letter from Georgianna Contiguglia, State Historic Preservation Officer, and President, Colorado Historical Society.

As suggested by SHPO, we completed a file search. The results of the search are attached as Exhibit N. We also contacted the City of Longmont and Boulder County. The County indicates we have "reviewed the map and information that you sent and find no reason to be concerned about any historic resources due to the BNSF Proposal." See Exhibit O, electronic correspondence from Denise Grimm, Planner II, Boulder County Land Use Department. The City of Longmont stated via a phone call from Ryan Kagerud, Longmont Planning Office and Planning Staff Liason, Historic Preservation Commission, that its comments were incorporated in the response of the City Engineer, See Exhibit B.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill,

environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

There are no known prior subsurface ground disturbance or fill,
environmental conditions that might affect the archeological recovery of
resources and the surrounding terrain.

Respectfully submitted,



By: SIDNEY L. STRICKLAND, JR

ELIZABETH E. WAITE

SIDNEY STRICKLAND AND ASSOCIATES

3050 K Street, N.W., Suite 101

Washington, DC 20007

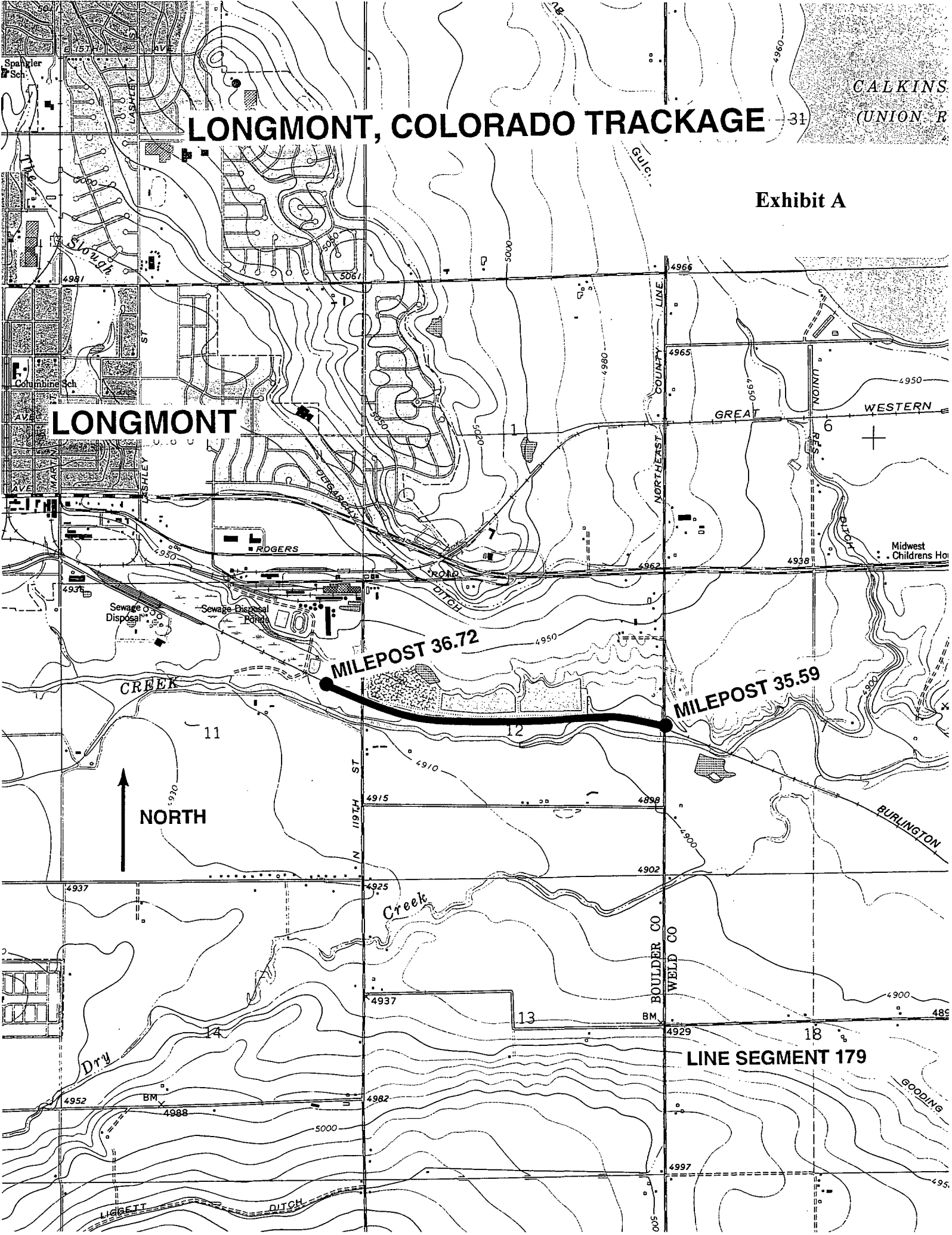
(202) 338-1325

Attorneys for BNSF Railway Company

DATED: July 21, 2006

LONGMONT, COLORADO TRACKAGE

Exhibit A





May 5, 2006

Mr. Sidney Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. NW, Suite 101
Washington, DC 20007-5108

Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company –
Abandonment Exemption – in Boulder County, CO

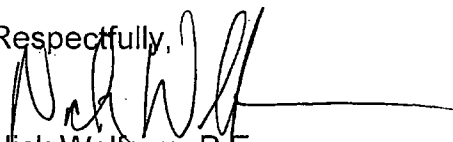
Dear Mr. Strickland:

The City of Longmont received your letter dated April 12, 2006, and I contacted your office, spoke to Mr. Carlton Curry, and was directed to Mr. Richard Batie with BNSF Railway Company.

I discussed the proposed abandonment with Mr. Batie and the interest that the City of Longmont has in this corridor. Longmont has interest in this section of right-of-way for both a recreational trail and a utility corridor. The City has existing agreements with BNSF Railway for both of those uses, and continues to have an interest and need for both.

The City of Longmont would like to work with BNSF Railway on this issue to maintain the existing public use of a recreation trail and utility corridor and is interested in discussing the option of obtaining ownership of the property. As I mentioned, I spoke with Mr. Batie from BNSF and he is reviewing the existing agreements with the City. Please let me know what additional action, if any, Longmont needs to take in this manner.

Respectfully,



Nick Wolfrum, P.E.
City Engineer

cc: Gordon Pedrow, City Manager
Dale Rademacher, Public Works and Water Utilities Director
Barb McGrane, Distribution and Collection Engineering Manager
James Rourke, Deputy City Attorney
Don Bessler, Parks and Open Space Director
Paula Fitzgerald, Parks and Open Space Project Manager
Mr. Richard Batie, BNSF Railway

United States Department of Agriculture



NRCS

Natural
Resources
Conservation
Service

District Conservationist
9595 Nelson Road – Suite D
Boulder County Fairgrounds
Longmont, Colorado 80501

Phone (303) 776-4034 Ext. 3

email: Tim.Carney@co.usda.gov

FAX (303) 684-9893

May 15, 2006

Exhibit C

Sidney Strickland Jr.
Sidney Strickland & Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

Subject: STB Docket No. AB-6 (Sub. No. 442X) BNSF Abandonment

Mr. Strickland,

I am emailing a soils map, soil mapping unit descriptions, and prime farmland status table for the general area of the above listed BNSF railway line abandonment.

The two potential prime farmland soil mapping units affected are the Lv – Loveland soil from the Boulder County Area Soil Survey, and the #3 – Aquolls and Aquent, gravelly substratum soil from the adjacent Weld County South Soil Survey Area.

Both soils fall within an approximate 1000 feet of the proposed rail line abandonment.

However, this area is not currently farmed, nor irrigated. Therefore, in my opinion, no prime farmlands are affected by the proposal as described in your letter to the Lakewood, Colorado State Office of the USDA-NRCS.

Regards,

Tim Carney – District Conservationist



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
P.O. Box 25486, DFC (65412)
Denver, Colorado 80225-0486

Exhibit D

IN REPLY REFER TO:
ES/CO: T&E/Species list
Mail Stop 65412

MAY 17 2006

Mr. Sidney Strickland, Jr.
Sidney Strickland and Associates
3050 K Street N.W., Suite 101
Washington, D.C. 20007-5108

Dear Mr. Strickland:

The U.S. Fish and Wildlife Service (Service) received your letter dated April 12, 2006, regarding the BNSF Railway Company's **proposed abandonment of 1.13 miles of railroad line between Milepost 36.72 and Milepost 35.59 near Longmont, Boulder County, Colorado**. These comments have been prepared under the provisions of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et. seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4327).

For your convenience, we have enclosed a list of Colorado's threatened and endangered species, as well as the counties in which they are known to occur. We do not have site specific information available to us. If questions regarding the presence of an endangered species, the extent of its habitat, or the effects of a particular action need to be resolved, the Service recommends that a knowledgeable consultant be contacted to conduct habitat assessments, trapping studies, or to provide recommendations regarding options under the ESA. Due to staffing constraints, the Colorado Field Office cannot provide you with these services.

If the Service can be of further assistance, please contact this office at (303) 236-4773.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

Enclosure: Species List

cc: FWSR6/ES, S. Vana-Miller

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-295-4672
FAX: 202-672-5399

Exhibit E

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

April 12, 2006

Regional Director
Intermountain Region
National Park Service
12795 Alameda Pkwy
Denver, CO 80225

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Sir or Madam:

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 1.13 miles of railroad line between Milepost 36.72 and Milepost 35.59, near Longmont in Boulder County, Colorado.

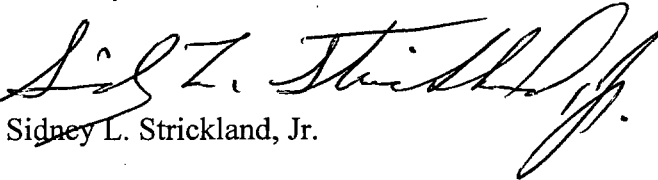
The proposed abandonment may require removal of bridges and structures and the removal of track materials such as rails and ties but the roadbed will be left intact.

As part of the environmental report, BNSF needs to know whether or not there are any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur as a result of the abandonment.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by May 12, 2006. If you have any questions, do not hesitate to contact me at (202) 295-4672.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/cac



The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed:  Date: 4/21/06

Carlton Curry

From: erik_brekke@blm.gov
Sent: Friday, April 21, 2006 4:25 PM
To: sidney.strickland@stricklandpllc.com
Subject: STB Docket No.AB-6

Exhibit F

Mr. Strickland, Our office received an inquiry about T&E, critical habitat etc for a BNSF abandonment in Boulder County east of Longmont. The Bureau of Land Management does not manage any public lands in this area, therefore we do not have any information of the kind that you requested. If you have any further questions please give me a call. 719-269-8519 Erik Brekke

STATE OF COLORADO

Bill Owens, Governor
Dennis E. Ellis, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
TDD Line (303) 691-7700 (303) 692-3090
Located in Glendale, Colorado

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

April 18, 2006

Exhibit G

Sidney L. Strickland
Sidney Strickland and Associates
3050 K St. N.W., Ste 101
Washington, DC 20007-5108

Re: Information Request – BNSF Railway Co.

Dear Mr. Strickland:

The Water Quality Control Division is in receipt of your letter to the Water Quality Control Commission, dated April 12, 2006. This activity may be included under the stormwater regulations.

In 1987, the US Congress amended the Clean Water Act to expressly include stormwater discharges from industrial and construction sites as requiring Clean Water Act controls. In 1990, EPA issued regulations that require specific industrial and construction activities to obtain NPDES permits in order to discharge stormwater from their facilities. Construction activities disturbing one or more acre, or that are part of a common plan of development or sale that exceeds one acre, are specifically included (Colorado Discharge Permit System Regulations 61.3(2)(e)(iii)(J)). The Water Quality Control Division of the Colorado Department of Public Health and Environment (the Division) has direction and authority to administer the stormwater permit program in Colorado.

A Construction Fact Sheet is attached that provides additional information. Specifically, refer to the section B.1., "When do you need to get a Construction Stormwater Permit."

Copies of our stormwater construction permit application, including a guidance document on preparing a Stormwater Management Plan (SWMP), is available from our web page at:

- o <http://www.cdphe.state.co.us/wq/permitsunit>

Please contact me at (303) 692-3555 if you have any questions.

Sincerely,

Nathan Moore
Environmental Protection Specialist
Permits Unit
WATER QUALITY CONTROL DIVISION

Enclosure

CC: Paul Frohardt, WQCC

STATE OF COLORADO

OFFICE OF THE EXECUTIVE DIRECTOR

Department of Natural Resources
1313 Sherman Street, Room 718
Denver, Colorado 80203
Phone: (303) 866-3311
TDD: (303) 866-3543
Fax: (303) 866-2115

Exhibit H



DEPARTMENT OF
NATURAL
RESOURCES

Bill Owens
Governor

Russell George
Executive Director

April 19, 2006

Sidney L. Strickland, Jr.
Sidney, Strickland and Associates, PLLC
3050 K Street N.W., Suite 101
Washington, DC 20007

Dear Mr. Strickland:

This letter is in response to your letter dated April 12, 2006 concerning STB Docket No. AB-6 (Sub. No. 442x) BNSF Railway Company – Abandonment Exemption – in Boulder County, Colorado.

The Colorado Department of Natural Resources does not administer the State of Colorado's water quality programs. Regulation and oversight of water quality is managed through the Colorado Department of Public Health and Environment.

I have forwarded your letter to the Water Quality Control Division in the Colorado Department of Public Health and Environment for their review and response.

Should you have questions related to water quantity or the beneficial use of water in the State of Colorado, please feel free to contact our office. For future reference, I have listed the WQCD's information below.

Sincerely,

Leandra Windler
Governor's Advocate
Colorado Department of Natural Resources

Contact information referenced above:
Colorado Department of Public Health and Environment, Water Quality Control Division
4300 Cherry Creek Drive South
Denver, Colorado 80246
(303) 692-3500



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

May 2, 2006

Mr. Sidney Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

**RE: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company – Abandonment
Exemption – in Boulder County, CO
Corps File No. 200680237**

Dear Mr. Strickland:

Reference is made to the above-mentioned project located in and near the NW ¼ of Section 12, T2N, R69W, Boulder County, Colorado.

It appears that this project will not require the placement of fill material in to a wetland. Based on the description of the abandonment work, a Department of the Army permit will not be required for this project. Although a DA Permit may not be required for this project, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

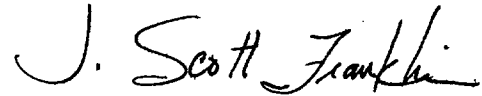
If any work associated with this project requires the placement of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent, in waters of the United States at this site, this office should be notified by a proponent of the project for Department of the Army permits or changes in permit requirements pursuant to Section 404 of the Clean Water Act. Waters of the U.S. includes ephemeral, intermittent and perennial streams, their surface connected wetlands and adjacent wetlands and certain lakes, ponds, drainage ditches and irrigation ditches that have a nexus to interstate commerce.

Work in waters of the U.S. should be shown on a map identifying the Quarter Section, Township, Range and County of the work and the dimensions of work in each area of waters of the U.S. Please see the enclosed list of environmental consultants that may help with a delineation and mapping of waters of the U.S.

This office does not regulate work in upland areas of 100 year floodplains. This office only regulates work in a jurisdictional stream bed or in jurisdictional wetlands located in a floodplain. For work in floodplains also notify your city or county governments or FEMA in Denver at 303-235-4836.

If there are any questions call **Mr. Terry McKee** at **303-979-4120** and reference **Corps File No. 200680237**.

Sincerely,

A handwritten signature in cursive script that reads "J. Scott Franklin". The signature is written in black ink and is positioned above the printed name and title.

J. Scott Franklin
Chief, Denver Regulatory Office

tm



May 10, 2006

Exhibit J

Mr. Sidney L. Strickland, Jr
Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

RE: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Abandonment

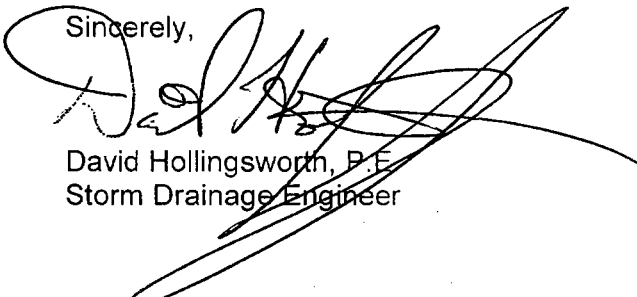
Dear Mr. Strickland:

I have reviewed the existing floodplain for St. Vrain Creek as it pertains to the proposed abandonment of the BNSF Railroad described in your April 12, 2006 letter.

The removal of structures and track material between Milepost 36.72 and Milepost 35.59 near Longmont will not affect the 100-year designated floodplain.

Please call me at (303)651-8328 if you have any questions.

Sincerely,



David Hollingsworth, P.E.
Storm Drainage Engineer

xc: File

Carlton Curry

From: Davis.Gregory@epamail.epa.gov
Sent: Friday, May 05, 2006 5:18 PM
To: Carlton Curry
Subject: Re: Longmont, Boulder, Co Rail Abandonment

Exhibit K

Regarding the Longmont, Boulder rail abandonment, no stormwater permit is required for this action as the original surface will be left in place. A stormwater permit is required for re-developments where 1 acre of land is disturbed. In the case of this action, a stormwater permit is not required as the land will not be disturbed under the definitions provided in Section 402 of the Clean Water Act.

Greg Davis
EPA Region 8 Storm Water Coordinator
Mailcode: 8P-W-P
999 18th Street, Suite 300
Denver, CO 80202-2466

Phone: 303-312-6314
Fax: 303-312-6741

<http://www.epa.gov/region8/stormwater>

Please inform me if you would like to receive updates related to storm water permits, BMPs, and NPDES regulations.

Carlton Curry
<carlton.curry@s
tricklandpllc.co
m>

05/05/2006 02:56
PM

To
Gregory Davis/P2/R8/USEPA/US@EPA
cc

Subject
Longmont, Boulder, Co Rail
Abandonment

Mr. Davis:

Thank you for contacting our office with regards to the Longmont, CO abandonment. Any comment you can provide will be appreciated.

Regards,

Carlton Antoine Curry

CONFIDENTIALITY NOTICE --

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended

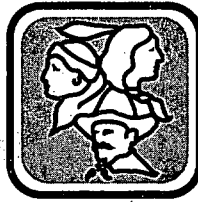


Exhibit L

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

19 April 2006

Sidney L. Strickland, Jr.
Sidney Strickland and Associates PLLC
3050 K St., N.W., Suite 101
Washington, DC 20007-5108

RE: Abandonment of Trackage, Burlington Northern/Santa Fe Railway, Boulder County

Dear Mr. Strickland:

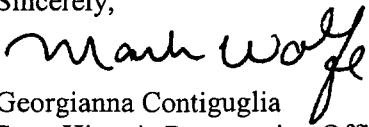
Thank you for your correspondence dated 12 April 2006, concerning the proposed removal of tracks and track structures between Milepost 36.72 and Milepost 35.59 in Boulder County, Colorado. Our office has reviewed the submitted materials. A search of our files indicates no surveyed historic or prehistoric cultural resources within the Area of Potential Effect (APE), but the railroad line itself has never been surveyed and may be eligible for the National Register of Historic Places. It is also possible that rail-related structures, such as bridges, are also eligible for the National Register.

We ask that you provide information concerning the existence (if any) of railroad-related features between Milepost 36.72 and Milepost 35.59. The BNSF's track inventory for this particular rail segment should indicate whether there are any structures or other rail-related features (aside from the track itself) within the segment. When we have received this additional information, we will be better able to determine the effect (if any) that the rail abandonment will have on historic resources.

With regards to the removal of trackage (rails and ties), this should have no effect on the railroad's eligibility (if it is indeed eligible for the National Register), as long as the width and slope of the existing grade remains intact.

If you have any questions, please contact Joseph Saldibar, Architectural Services Coordinator, at (303) 866-3741.

Sincerely,

for 
Georgianna Contiguglia
State Historic Preservation Officer, and
President, Colorado Historical Society

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

303-866-3392 * Fax 303-866-2711 * E-mail: oahp@chs.state.co.us * Internet: www.coloradohistory-oahp.org

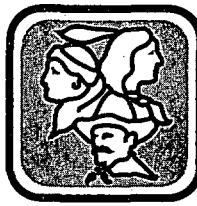


Exhibit M

**COLORADO
HISTORICAL
SOCIETY**

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

24 May 2006

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, Inc.
3050 K St., NW, Suite 101
Washington, DC 20007-5108

RE: STB Docket AB-6, (Sub # 442X), Burlington Northern Santa Railway Company,
Abandonment Exemption, Longmont vicinity, Boulder County

Dear Mr. Strickland:

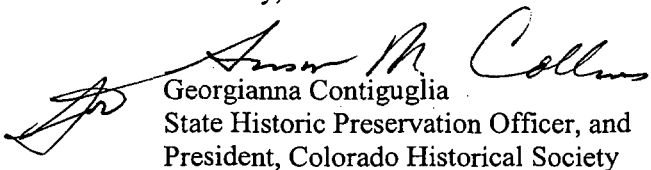
Thank you for your correspondence received 10 May 2006, concerning the proposed abandonment of 1.13 miles of trackage between Milepost 36.72 and Milepost 35.59 in Boulder County. Our office has reviewed the submitted materials. In response to your inquiry concerning the presence of historic and/or prehistoric cultural resources along the rail line, we ask that you complete a file search request (see attached file search request form). In addition, you may wish to contact the city of Longmont's Historic Preservation Commission. As a certified local government (CLG), the city has the opportunity to comment on the effect of this abandonment. Boulder County is also a CLG and should also be contacted for comment.

Ryan Kragerud
Longmont Planning Office
350 Kimbark Street
Longmont, CO 80501
303-774-4619
Fax: 303-651-8696

Denise Grimm
Boulder County Land Use Department
P.O. Box 471
Boulder, CO 80306
303-441-3930
Fax: 303-441-4856

If you have any questions, please contact Joseph Saldibar, Architectural Services Coordinator, at (303) 866-3741.

Sincerely,


Georgianna Contiguglia
State Historic Preservation Officer, and
President, Colorado Historical Society

Enclosed: File Search Price List

COLORADO HISTORICAL SOCIETY
Office of Archaeology and Historic Preservation
1300 Broadway Denver, Colorado 80203

8th June 2006

Sidney Strickland and Associates, Inc.
Carlton Curry
3050 K St., NW, Suite 101
Washington, DC 20007-5108

RE: STB Docket AB-6, (Sub #442X), Burlington Northern Santa Railway Company, Abandonment Exemption, Longmont Vicinity, Boulder County

At your request, the office of Archaeology and Historic Preservation has conducted a search of the Colorado Inventory of Cultural Resources for the following locations:

PM	TOWNSHIP	RANGE	SECTION
6th	2N	69W	11, 12

12 site(s) and 3 survey(s) were located in the designated area(s).

If information on sites in the project area was found, detailed information follows the summary. If no sites or districts were found, but surveys are known to have been conducted in the project area, survey information follows the summary. We do not have complete information on surveys conducted in Colorado, and our site files cannot be considered complete because most of the state has not been surveyed for cultural resources. There is the possibility that as yet unidentified cultural resources exist within the proposed impact area.

Therefore, in the event there is Federal or State involvement, we recommend that a professional survey be conducted to identify any cultural resources in the project area which are eligible to be listed in the National Register of Historic Places. We look forward to consulting with you regarding the effect of the proposed project on any eligible cultural resource in accordance with the Advisory Council on Historic Preservation Procedures and the Preservation and Protection of Historic and Cultural Resources (36 CFR 8). Please provide this office with the results of the cultural resource survey for our review of professional adequacy and compliance with regulations.

If you have any questions, please contact the Office of Archaeology and Historic Preservation at (303) 866-3395 or 3392.

Thank you for your interest in Colorado's cultural heritage.

Susan M. Collins
Deputy State Historic Preservation Officer for Archaeology

*Information regarding significant archaeological resources is excluded from the Freedom of Information Act. Therefore, legal locations of these resources must not be included in documents for public distribution.

Carlton Curry

From: Grimm, Denise [dgrimm@co.boulder.co.us]
Sent: Monday, July 10, 2006 8:48 PM
To: carlton.curry@stricklandpllc.com
Subject: BNSF rail abandonment

Exhibit O

Dear Mr. Curry,

I've reviewed the map and information that you sent and find no reason to be concerned about any historic resources due to the BNSF proposal.

Sincerely,

Denise Grimm
Planner II
Boulder County Land Use Dept.

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on July 21, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

Susan C. Linner
Colorado Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services
P.O. Box 25486, DFC (65412)
Denver, Colorado 8022-0486

Tim Carney, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
95995 Nelson Road- Suite D
Boulder County Fairgrounds
Longmont, CO 80501

Erik Brekke
U.S. Bureau of Land Management
Royal Gorge Field Office
3170 East Main Street
Cañon City, CO 81212

Susan M. Collins
Deputy State Historic Preservation
Officer for Archaeology
Colorado Historical Society
1300 Broadway
Denver, CO 80203

Gordon Pedrow,
City Manager
City of Longmont
350 Kimbark Street
Longmont, CO 80501

Nathan Moore,
Environmental Protection Specialist
Colorado Department of Public
Health and Environment
Water Quality Control Commission
OED-OPPI-A5
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Cheryl Eckhardt
Intermountain Region
U.S. National Park Service
12795 Alameda Pkwy
Denver, CO 80225

Leandra Windler
Governor's Advocate
Colorado Division of Water Resources
Colorado Department of Natural Resources
1313 Sherman St., Rm. 818
Denver, CO 80203

Gregory Davis
Region 8 Stormwater Coordinator
U.S. Environmental Protection Agency
Mailcode: 8P-W-P
999 18th Street, Suite 300
Denver, CO 80202-2466

J. Scott Franklin
Chief, Denver Regulatory Office
U.S. Army Corps of Engineers
Omaha District
9307 South Wadsworth Boulevard
Littleton, Colorado 80128-6901

Boulder County Commissioners
PO Box 471
Boulder, Colorado 80306

Nick Wolfrum, P.E.
City Engineer
City of Longmont
Public Works Division
408 3rd Street
Longmont, CO 80501

Jennifer Finch
Colorado Department of Transportation
4201 E. Arkansas Avenue, Rm 262
Denver, CO 80222

David Hollingsworth, P.E.
Storm Drainage Engineer
City of Longmont
Public Works Division
408 3rd Street
Longmont, CO 80501

Denise Grimm
Planner II
Boulder County Land Use Department
PO Box 471
Boulder, Colorado 80306

National Oceanic and Atmospheric
Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

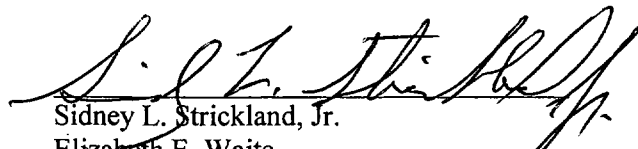
Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

United States Department of Agriculture
Natural Resources Conservation Service
655 Parfet Street
Room E-200C
Lakewood, CO 80215-8000

Ralph O. Morganweck, Regional Dir.
Mountain-Prairie Region
U.S. Fish and Wildlife Service
134 Union Blvd.
Lakewood, Colorado 80228

U.S. Army Corp of Engineers
Civil Works Office
U.S. Army Engineer District, Omaha
215 N. 17th Street
Omaha, NE 68102-4978

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Sidney L. Strickland, Jr.
Elizabeth E. Waite
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

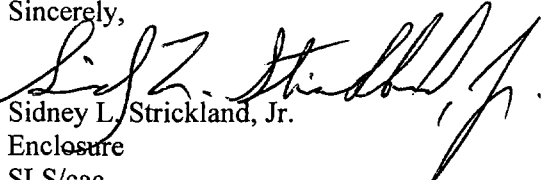
Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington D.C. 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Ms. Rutson:

On or about August 10, 2006, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 1.13 miles of railroad line between BNSF Milepost 36.72 and Milepost 35.59, near Longmont, in Boulder County, Colorado (the "Line"). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,



Sidney L. Strickland, Jr.
Enclosure
SLS/cac

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Tim Carney, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
95995 Nelson Road- Suite D
Boulder County Fairgrounds
Longmont, CO 80501

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Carney:

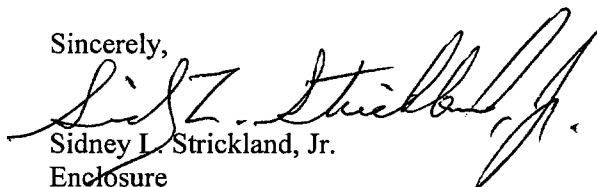
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Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure
SLS/cac

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WASHINGTON, DC 20007-5108
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Susan M. Collins
Deputy State Historic Preservation
Officer for Archaeology
Colorado Historical Society
1300 Broadway
Denver, CO 80203

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Ms. Collins:

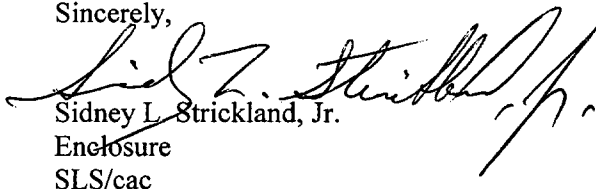
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Sincerely,


Sidney L. Strickland, Jr.
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Nathan Moore,
Environmental Protection Specialist
Colorado Department of Public
Health and Environment
Water Quality Control Commission
OED-OPPI-A5
4300 Cherry Creek Drive South
Denver, CO 80246-1530

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Moore:

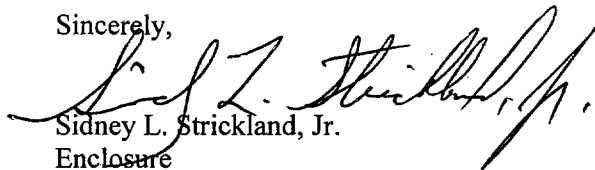
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Leandra Windler
Governor's Advocate
Colorado Division of Water Resources
Colorado Department of Natural Resources
1313 Sherman St., Rm. 818
Denver, CO 80203

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Ms. Windler:

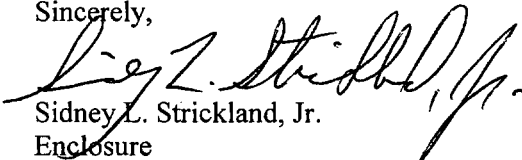
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July 21, 2006

J. Scott Franklin
Chief, Denver Regulatory Office
U.S. Army Corps of Engineers
Omaha District
9307 South Wadsworth Boulevard
Littleton, Colorado 80128-6901

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Franklin:

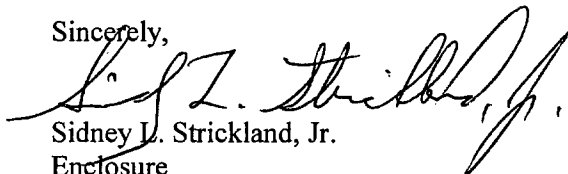
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Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.
Enclosure
SLS/cac

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WASHINGTON, DC 20007-5108
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Susan C. Linner
Colorado Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services
P.O. Box 25486, DFC (65412)
Denver, Colorado 8022-0486

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Ms. Linner:

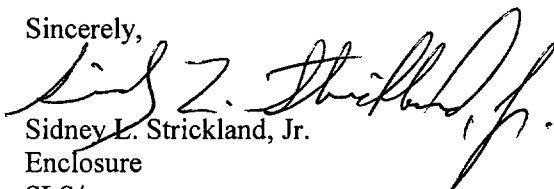
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Sidney L. Strickland, Jr.
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SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Erik Brekke
U.S. Bureau of Land Management
Royal Gorge Field Office
3170 East Main Street
Cañon City, CO 81212

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Brekke:

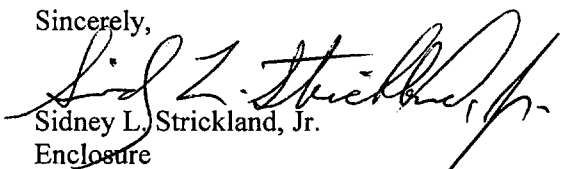
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Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/cac

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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Gordon Pedrow,
City Manager
City of Longmont
350 Kimbark Street
Longmont, CO 80501

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Pedrow:

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Cheryl Eckhardt
Intermountain Region
U.S. National Park Service
12795 Alameda Pkwy
Denver, CO 80225

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Ms. Eckhardt:

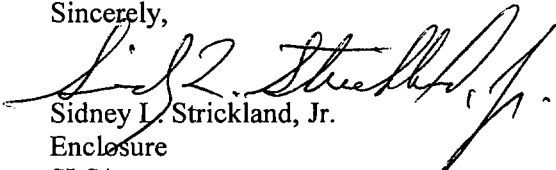
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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/cac

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K St. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Gregory Davis
Region 8 Stormwater Coordinator
U.S. Environmental Protection Agency
Mailcode: 8P-W-P
999 18th Street, Suite 300
Denver, CO 80202-2466

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Davis:

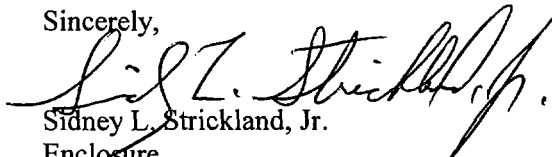
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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Boulder County Commissioners
PO Box 471
Boulder, Colorado 80306

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Sir/Madam:

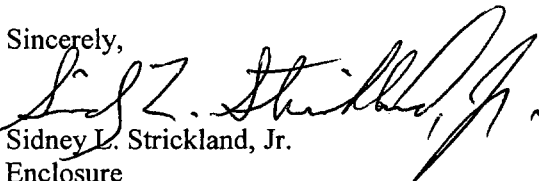
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Nick Wolfrum, P.E.
City Engineer
City of Longmont
Public Works Division
408 3rd Street
Longmont, CO 80501

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Wolfrum:

On or about August 10, 2006, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 1.13 miles of railroad line between BNSF Milepost 36.72 and Milepost 35.59, near Longmont, in Boulder County, Colorado (the "Line"). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Jennifer Finch
Colorado Department of Transportation
4201 E. Arkansas Avenue, Rm 262
Denver, CO 80222

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Sir/Madam:

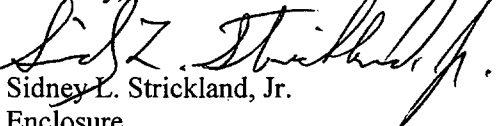
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

David Hollingsworth, P.E.
Storm Drainage Engineer
City of Longmont
Public Works Division
408 3rd Street
Longmont, CO 80501

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Hollingsworth:

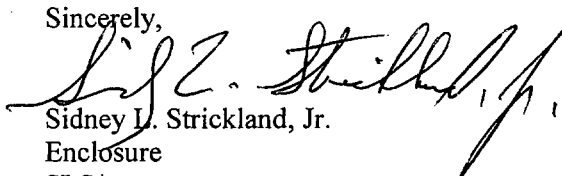
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Denise Grimm
Planner II
Boulder County Land Use Department
PO Box 471
Boulder, Colorado 80306

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Ms. Grimm:

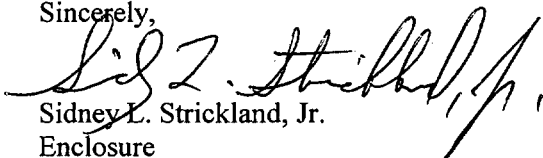
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

National Oceanic and Atmospheric
Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

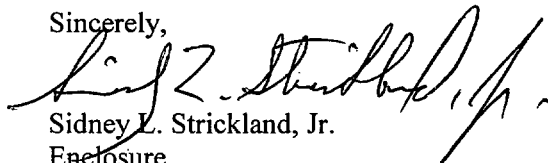
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TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

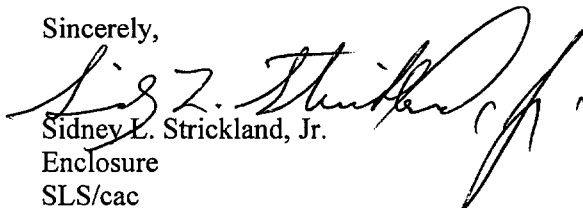
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

Ralph O. Morgenweck, Regional Director
Mountain-Prairie Region
U.S. Fish and Wildlife Service
134 Union Blvd.
Lakewood, Colorado 80228

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

Dear Mr. Morgenweck:

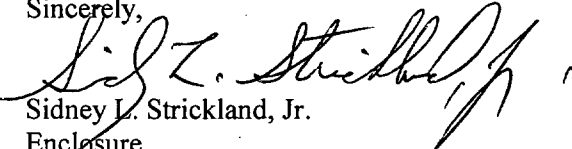
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

United States Department of Agriculture
Natural Resources Conservation Service
655 Parfet Street
Room E-200C
Lakewood, Co 80215-8000

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

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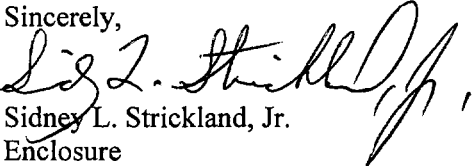
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

July 21, 2006

U.S. Army Corp of Engineers
Civil Works Office
U.S. Army Engineer District, Omaha
215 N. 17th Street
Omaha, NE 68102-4978

***Re: STB Docket No. AB-6 (Sub. No. 442X) BNSF Railway Company—
Abandonment Exemption – in Boulder County, CO***

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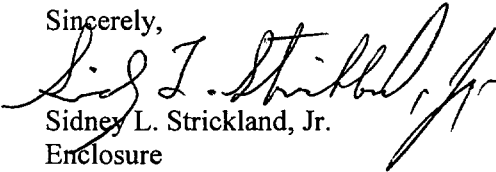
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